

AMENDED IN ASSEMBLY MAY 12, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 2812

Introduced by Assembly Member Dutra

February 20, 2004

~~An act to add Chapter 6 (commencing with Section 945.6) to Title 7 of Part 2 of Division 2 of the Civil Code, relating to construction. An act relating to construction defects.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2812, as amended, Dutra. ~~Prelitigation procedure: residential construction defects prior to 2003~~ *Construction defects: resolution process.*

Existing law, applicable to residences originally sold on or after January 1, 2003, specifies the rights and requirements of a homeowner to bring an action for construction defects, including applicable standards for home construction, the statute of limitations, the burden of proof, the damages recoverable, a detailed prelitigation procedure, and the obligations of the homeowner.

~~This bill would establish a similar, but separate, prelitigation procedure required for residential construction pursuant to an agreement entered into prior to January 1, 2003.~~

This bill would provide that it is the intent of the Legislature to consider whether the existing process for resolution of residential construction defect claims, as specified, could be revised for the mutual benefit of consumers, builders, contractors, building trades, subcontractors, insurers, and others who may be interested in the equitable and expeditious resolution of these controversies.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Chapter 6 (commencing with Section 945.6) is~~
2 *SECTION 1. it is the intent of the Legislature to consider*
3 *whether the existing process for resolution of residential*
4 *construction defect claims pursuant to Title 7 (commencing with*
5 *Section 895) of Part 2 of Division 2 of the Civil Code could be*
6 *revised for the mutual benefit of consumers, builders, contractors,*
7 *building trades, subcontractors, insurers, and others who may be*
8 *interested in the equitable and expeditious resolution of these*
9 *controversies.*

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12 **All matter omitted in this version of the**
13 **bill appears in the bill as introduced in the**
14 **Assembly, February 20, 2004 (JR 11)**
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